

REMARKS

Reconsideration is respectfully requested. Claim 11-30 are pending. Claims 1-10 are cancelled herein in response to the Examiner's restriction requirement. Claims 11-30 are pending. Claims 11, 14, 15, 21, 24, and 30 are amended to address the examiner's section 112 rejections.

I. Election in Response to the Restriction Requirement

Applicants herein affirm the election of claims 11-30 (Group II) for further prosecution in the present application, and cancel without prejudice the nonelected claims 1-10 (Group I).

II. Rejection under 35 USC §112

The Examiner rejects claims 11-23 as failing to comply with the written description requirement. These rejections are now moot in view of the amendment to the claims. Accordingly, Applicants respectfully request the Examiner withdraw the Section 112 rejection for claims 11-23.

III. Anticipation Rejections

A. Rejections of Claims 11-30 by US Patent No. 6,275,717

Claims 11-30 are rejected under 35 USC §102(e) by US Patent No. 6,275,717 (Gross). The Gross patent's earliest effective domestic filing date is June 23, 1998. By contrast, the earliest priority claim for the present application is April 30, 1998. Accordingly, Applicants respectfully submit that the anticipation rejection under section 102(e) of the claims based on the '717 patent is improper.

Therefore, Applicants traverse the Examiner's rejections of claims 11-30, and respectfully request the Examiner to withdraw the rejections of pending claims 11-30.

B. Rejection of Claims 24-30 by US Patent No. 5,800,420

Claims 24-30 are rejected under 35 USC §102(e) by US Patent No. 5,800,420. While the Office Action on page 5 indicates that “claims 24-30 are rejectedas being anticipated by Ward et al., US 5,800,420A (hereinafter referred to as Gross ‘420)”, no further reference to “Ward et al” is made in the rejection thereafter. Accordingly, Applicant assumes that the single instance of reference to “Ward et al” is a typographical error, and further, that the rejections of the claims 24-30 are based on Gross ‘420.

In the event that the Applicant’s assumption is in error, Applicants respectfully request the Examiner to contact the Applicants’ representative to clarify the basis for the anticipation rejections of claims 24-30.

Turning to the substance of the rejection, Applicants respectfully disagree with the Examiner’s characterization of the Gross ‘420 reference. As understood, contrary to the Examiner’s assertions, the second part 53 of the housing 51 does not define a transmitter unit. Notwithstanding, claim 24 is now directed to a combination including, among others, operatively coupling a housing including a wireless transmitter unit to the mounting unit so that the wireless transmitter unit is configured for electrical communication with the sensor.

As understood, Gross ‘420 reference does not teach or render obvious the claimed invention set forth in claim 24, and claims 25-30 dependent therefrom either directly or indirectly. Therefore, Applicants traverse the Examiner’s rejections and respectfully submit that claims 24-30 are allowable.

IV. Obviousness-type Double Patenting Rejection

Claims 11-23 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of co-pending application no. 10/420,057 in view of Gross. Further, claims 11-23 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of US Patent No. 6,175,752 in view of Gross.

In view of the above characterization of the ‘717 Gross patent, the obviousness-type double patenting rejections of claims 11-23 are moot.

If the Examiner deems a telephonic discussion of the pending application would be helpful in the examination of the pending claims, Applicants invite the Examiner to contact the Applicants' representative at (510) 652-6418.

Respectfully submitted,
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